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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,558	07/07/2003	David E. Jones	2037.1010-002	5801
21005 7590 02/13/2009 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133				
EXAMINER				
FOUD, HICHAM B				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/614,558

**Applicant(s)**

JONES, DAVID E.

**Examiner**

HICHAM B. FOUD

**Art Unit**

2419

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/22/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/2009 has been entered.

***Response to Amendment***

2. The amendment filed on 01-22-2009 has been entered and considered.

Claims 1-13 and 18-21 are pending in this application.

Claims 14-17 and 22-25 have been canceled.

Claims 1-13 and 18-21 remain rejected as discussed below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6-7, 11-13, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al (5,612,925) in view of Turner (5,475,680).

For claim 1, Toda et al discloses a memory array (see figure 16; memory); a plurality of input ports to be coupled to a network controller device (see Figure 16 element 167, I/O section is coupled to a control section which is element 166), the memory array for storing packet data received by the plurality of input ports being shared by the plurality of input ports (see figure 16, memory); and the serial register further being segmented into a plurality of segments, segments of serial register being associated with corresponding portions of the memory array (see Figure 16 wherein the section 164 is segmented to a plurality of segments that are associated to a corresponding memory cell group), segments of serial register simultaneously transferring packet data to different portions of the memory array (see column 12 lines 8-12).

Toda et al discloses all the subject matter with the exception of explicitly showing a plurality of serial registers each associated with a different one of the plurality of input ports, each of the serial registers configured for receiving packet data from the associated input port at a segment of a serial register concurrent with writing other packet data to the memory array at another segment of the serial register. However, Turner discloses a system wherein a plurality of serial registers each associated with a different one of the plurality of input ports (see Figure 4 and column 3 line 47-48; 16 inputX160 bit serial to parallel converter and column 3 line 58; 16 serial input lines 107) and wherein each input can be associated with 2 halves ('A' halves "first segment" and 'B' halves "second segment") serial registers that work as different segments, and each of the serial registers configured for receiving packet data from the associated input port at a segment of a serial register ('A' halves) concurrent with writing other packet data to

the memory array at another segment of the serial register ('B' halves) (see column 4 lines 8-11). Thus, it would have been obvious to the one skill in the art at the time of the invention to use the method of Turner of concurrently transferring data from a segment "B halves" to the memory and inputting other data to another segment "A halves" for each input into the segments of serial register of Toda et al for the purpose of design choice and for serially inputting packets to the serial registers and outputting them in parallel to the shared memory for faster queuing to increase the efficiency of the system.

For claim 2, Turner discloses a packet buffer random access memory (PBRAM) device wherein packet data is transferred into one segment of a serial register as data is simultaneously transferred out of another segment of the serial register (see column 4 lines 8-11).

For claims 6, 11, 13 and 21 are rejected because it would have been obvious over the claimed invention of Toda et al in view of Turner to have the memory array as a single global memory. The difference between the memory array as taught by the invention of Toda et al and the single global memory is that the memory array is a specific arrangement of memory that can be depending on different factors such as data type, and the single global memory is a regular memory that holds all data without any specific arrangement. Therefore, an official notice is taken in that a memory array can be arranged as a single global memory. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to have the memory array as a single global memory. The motivation of having the memory array as a single

global memory is being that it allows all the stored data in the memory available to all the ports and for simplicity.

Claim 7 is rejected for same reasons as claim 1, since claim 7 is the method carried out by the system of claim 1.

For claim 18 is rejected for same reasons as claim 7, since claims 18 is the apparatus carried out by the method of claim 7.

For claim 12, Toda et al discloses a packet buffer random access memory (PBRAM) device comprising: a memory array (see figure 16 element 162 wherein the is arranged by cell group); a plurality of input ports coupled to the memory array by serial register for conveying data to the memory array (see Figure 16 element 167 "serial register" is connected to I/O which is element 164), the memory array for storing packet data received by the plurality of ports being shared by the plurality of input ports (see Figure 16, wherein the connection between the I/O and serial registers and the memory cell group); a plurality of command ports for receiving commands that indicate desired operations to be performed in relation to the data conveyed on the input and output ports (see Figure 16, wherein the element 166 which is control section send commands to the data section to perform the desired operations); and a memory management unit coupled between the command ports and the memory array (see Figure 16, elements 163, 168 and 165), the memory management unit establishing input queue structures within the memory array responsive to write commands issued on the command ports (see figure 16, wherein element 163 is connected to the control section 166), the input queue structures for receiving pointers to locations in a packet table that point to the

data that is conveyed from the input ports (see figure 16, element 163 which comprises of addresses of the data in the memory and designates the memory cells which are to be accessed (see column 5 lines 11-15)).

Toda et al discloses all the subject matter with the exception of explicitly showing a plurality of serial registers each associated with a different one of the plurality of input ports, each of the serial registers configured for receiving packet data from the associated input port at a segment of a serial register concurrent with writing other packet data to the memory array at another segment of the serial register. However, Turner discloses a system wherein a plurality of serial registers each associated with a different one of the plurality of input ports (see Figure 4 and column 3 line 47-48; 16 inputX160 bit serial to parallel converter and column 3 line 58; 16 serial input lines 107) and wherein each input can be associated with 2 halves ('A' halves "first segment" and 'B' halves "second segment") serial registers that work as different segments, and each of the serial registers configured for receiving packet data from the associated input port at a segment of a serial register ('A' halves) concurrent with writing other packet data to the memory array at another segment of the serial register ('B' halves) (see column 4 lines 8-11). Thus, it would have been obvious to the one skill in the art at the time of the invention to use the method of Turner of concurrently transferring data from a segment "B halves" to the memory and inputting other data to another segment "A halves" for each input into the segments of serial register of Toda et al for the purpose of design choice and for serially inputting packets to the serial registers and outputting them in

parallel to the shared memory for faster queuing to increase the efficiency of the system.

4. Claims 3-5, 8-10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al in view Turner of and further in view of Zuravleff et al (5,867,735).

For claims 3-5, 8-10, 19 and 20, Toda et al in view Turner discloses all the subject matter with the exception of wherein a portion of the memory array is a queue, the queue includes a plurality of sub-queues and each sub-queue assigned a priority level wherein packet data is read from the sub-queue with the highest priority level that stores data. However, the invention of Zuravleff et al from the same or similar fields of endeavor shows that a portion of the memory array is a queue (see column 6 lines 65-66, wherein elements 114 are queues), the queue includes a plurality of sub-queues (see column 10 lines 25-27, wherein elements 114 are divided to elements 214 which are subqueues) and each sub-queue assigned a priority level (see column 10 lines 31-32 wherein each subqueue has a unique priority level) wherein packet data is read from the sub-queue with the highest priority level that stores data (see column 10 lines 39-42 wherein the highest priority level subqueues are read first). Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to use the division of queues to subqueues and the method of priority level of subqueues as taught by the invention of Zuravleff et al in the invention of Toda et al in view Turner. The motivation of having a portion of the memory array as a queue, wherein the queue includes a plurality of sub-queues, each sub-queue assigned a priority level and



wherein packet data is read from the sub-queue with the highest priority level that stores data is being that is gives a good arrangement to the memory for easier function by dividing a queue to a plurality of sub-queues, and read the packet data that were stored in subqueues which are assigned a highest priority level to them before any other subqueues to reduce the effect of memory latency.

### **Response to Argument**

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**6. Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art

Art Unit: 2419

disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Friday 10-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hicham B Foud/  
Examiner, Art Unit 2419  
02/09/2009

/Wing F. Chan/  
Supervisory Patent Examiner, Art Unit 2419  
2/11/09